

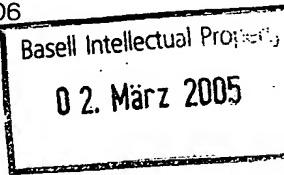
Nat.: 15.10.05

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

BASELL POLYOLEFINE GMBH  
Intellectual Property Department  
Carl-Bosch-Strasse 38, F206  
D-67056 Ludwigshafen  
ALLEMAGNE



PCT

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## NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(PCT Rule 71.1)

Date of mailing  
(day/month/year)

23.02.2005

Applicant's or agent's file reference  
LU6099

### IMPORTANT NOTIFICATION

International application No., PCT/EP2004/003898	International filing date (day/month/year) 14.04.2004	Priority date (day/month/year) 15.04.2003
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Applicant  
BASELL POLYOLEFINE GMBH et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

#### 4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/I/B/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international  
preliminary examining authority:



European Patent Office  
D-80298 Munich  
Tel. +49 89 2399 - 0 Tx: 523656 epmu d  
Fax: +49 89 2399 - 4465

Authorized Officer

Le Bolloch, C  
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**PATENT COOPERATION TREATY**  
**PCT**  
**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**  
(Chapter II of the Patent Cooperation Treaty)  
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference LU6099	<b>FOR FURTHER ACTION</b>	
See Form PCT/IPEA/416		
International application No. PCT/EP2004/003898	International filing date ( <i>day/month/year</i> ) 14.04.2004	Priority date ( <i>day/month/year</i> ) 15.04.2003
International Patent Classification (IPC) or national classification and IPC C08F210/16, C08F4/02, C08F4/656		
Applicant BASELL POLYOLEFINE GMBH et al.		
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> <i>(sent to the applicant and to the International Bureau)</i> a total of sheets, as follows: <ul style="list-style-type: none"> <li><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</li> <li><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</li> </ul> </li> <li>b. <input type="checkbox"/> <i>(sent to the International Bureau only)</i> a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</li> </ul>		
<p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Box No. I Basis of the opinion</li> <li><input type="checkbox"/> Box No. II Priority</li> <li><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li> <li><input type="checkbox"/> Box No. IV Lack of unity of invention</li> <li><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li><input type="checkbox"/> Box No. VI Certain documents cited</li> <li><input type="checkbox"/> Box No. VII Certain defects in the international application</li> <li><input type="checkbox"/> Box No. VIII Certain observations on the international application</li> </ul>		
Date of submission of the demand 30.10.2004	Date of completion of this report 23.02.2005	
Name and mailing address of the international preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer  Thomas, D Telephone No. +49 89 2399-7837	



## **INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

International application No.  
PCT/EP2004/003898

**Box No. I Basis of the report**

- With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
    - This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
      - international search (under Rules 12.3 and 23.1(b))
      - publication of the international application (under Rule 12.4)
      - international preliminary examination (under Rules 55.2 and/or 55.3)
  - With regard to the **elements\*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

**Description, Pages**

1-18 as originally filed

## **Claims, Numbers**

1-13 as originally filed

**Claims, Pages**

19-20 as originally filed

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3.  The amendments have resulted in the cancellation of:  
 the description, pages  
 the claims, Nos.  
 the drawings, sheets/figs  
 the sequence listing (*specify*):  
 any table(s) related to sequence listing (*specify*):

4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).  
 the description, pages  
 the claims, Nos.  
 the drawings, sheets/figs  
 the sequence listing (*specify*):  
 any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/EP2004/003898

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes:	Claims	7
	No:	Claims	1-6,8-13
Inventive step (IS)	Yes:	Claims	7
	No:	Claims	1-6,8-13
Industrial applicability (IA)	Yes:	Claims	1-13
	No:	Claims	

2. Citations and explanations (Rule 70.7):

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
REPORT ON PATENTABILITY  
(SEPARATE SHEET)**

International application No.  
**PCT/EP2004/003898**

**Re Item V.**

- 1 The following document is referred to in this communication:

D1: US 6 028 149 A (NEISSL WOLFGANG ET AL)  
22 February 2000 (2000-02-22)

- 2 Novelty:

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT. Document D1 discloses (the references in parenthesis applying to this document): in claim 1 the procedure for the preparation of a solid catalyst component. Claim 1 (or example 2) discloses all steps of the process as described in claim 1 of the present application.

D1 further disclose the use of amines as additives (column 4, line 49)

The subject matter of claim 1-7 is therefore not new over D1.

2.2 The catalyst system and the process for the polymerization of olefins is disclosed explicitly in example 2.

As a consequence, the subject-matter of independent claims 8,10,13 is not novel towards D1.

3 The applicant is requested to file a new set of claims which is novel and inventive.

4 In order to facilitate the examination of the conformity of the amended application with the requirements of Article 34(2)(b) PCT, the applicant is requested to clearly identify the amendments carried out, no matter whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based (see also Rule 66.8(a) PCT).

If the applicant regards it as appropriate these indications could be submitted in handwritten form on a copy of the relevant parts of the application as filed.

Basell Intellectual Property

03. Nov. 2004

PCT

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

To:

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Intellectual Property-F 206  
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67056 Ludwigshafen  
ALLEMAGNE

Date of mailing (day/month/year)  
28 October 2004 (28.10.2004)

Applicant's or agent's file reference  
LU6099

IMPORTANT NOTICE

International application No.  
PCT/EP2004/003898

International filing date (day/month/year)  
14 April 2004 (14.04.2004)

Priority date (day/month/year)  
15 April 2003 (15.04.2003)

Applicant

BASELL POLYOLEFINE GMBH et al

The International Bureau transmits herewith the following documents:

copy of the international application as published by the International Bureau on 28 October 2004 (28.10.2004) under  
No. WO 2004/092233

copy of international application as republished by the International Bureau on under  
No. WO

For an explanation as to the reason for this republication of the international application, reference is made to INID codes (15), (48) or (88) (as the case may be) on the front page of the attached document.

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Facsimile No.+41 22 740 14 35

Authorized officer

Yolaine Cussac

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